

The Tasmanian forest practices system



The forest practices system regulates forest practices in Tasmania on both public land (mainly State forest) and private land. The Forest Practices Authority (FPA) is an independent body established under the *Forest Practices Act 1985* to administer the forest practices system.

The Tasmanian forest practices system operates primarily through the *Forest Practices Code*. The system also takes account of other legislation and policies, including the Tasmanian Regional Forest Agreement (1997). An adaptive management approach ensures that results from research and monitoring lead to continuing improvement of the system.

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The system is based on a co-regulatory approach, combining self-management by the industry and independent monitoring and enforcement by the FPA. Forest Practices Officers are trained and authorised by the FPA and employed within the industry to plan, supervise and monitor forest practices. FPA staff provide advice on regulatory and technical matters, including requirements for the protection of natural and cultural values. The FPA also monitors forest practices to ensure that standards are being met. Corrective action is taken where required and penalties are imposed for serious breaches.

The forest practices system aims to foster co-operation amongst all stakeholders, including the government, landowners, the forest industry and the broader community.

There is an emphasis on planning, training, education and continuing improvement.

Forest practices, defined by the Forest Practices Act, are:

- harvesting and regenerating native forest
- harvesting and/or establishing plantations
- clearing forests for other purposes
- clearing and converting threatened native vegetation communities
- constructing roads and quarries for the above purposes
- harvesting tree ferns.

Forest Practices Officers

The Forest Practices Authority trains and authorises Forest Practices Officers (FPOs), who are either employees of the forest industry or work as private consultants. FPOs prepare and certify Forest Practices Plans (FPPs), which must be in accordance with the *Forest*

Practices Code. FPOs supervise the implementation of plans and modify forest operations where necessary. They have the authority to issue notices to cease operations and repair any damage.

FPOs must regularly inspect operations and lodge a Certificate of Compliance with the FPA upon completion of each operational phase in the certified FPP, such as road construction, quarry development, harvesting and reforestation. The certificate details the way in which the operation has complied with the FPP. The FPA closely monitors the performance of FPOs and undertakes regular FPO training and coupe assessments to ensure that uniformly high standards are achieved.

The Forest Practices Code

The *Forest Practices Code* provides a set of guidelines and standards to ensure that forest practices are conducted in a manner that provides

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for the long term maintenance of the natural and cultural values of the forest. The guidelines and standards in the Code cover:

- building access into the forest (roads, bridges, quarries etc.)
- harvesting of timber
- conservation of natural and cultural values (soil and water, geomorphology, visual landscape, botany, zoology and cultural heritage)
- establishing and maintaining forests.

The FPA developed the Code through extensive consultation and public comment. It is reviewed periodically, incorporating suggestions from scientists, government, the forestry industry and the public. The Code is legally enforceable under the Forest Practices Act for both public and private forests.

The Code can be purchased from Service Tasmania outlets or downloaded from the FPA website.



Forest Practices Plans

Forest Practices Plans (FPPs) are required for almost all forest practices on public and private land. The few exemptions are detailed in the Forest Practices Regulations (available on the FPA website).

FPPs must be prepared in accordance with the Code and other legislation, such as the *Threatened Species Protection Act 1995* and the Tasmanian Regional Forest Agreement (1997). Before operations begin, FPPs must be certified by an FPO and applicants for FPPs must notify immediate neighbours and local government.

FPPs provide details of the operation area, boundaries, roads, snig tracks, landings, bridges, streams and forest areas retained for conservation purposes. They also include prescriptions for protection of natural and cultural values, planned harvest systems, and reforestation.

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During the preparation of the FPP, FPOs are required to identify natural and cultural values. They must contact FPA specialists about values requiring protection. FPA specialists will provide advice on the basis of regulatory requirements and the results of research and monitoring. This will frequently involve liaison with other scientists. The advice received may result in restrictions, such as harvesting being modified or areas being reserved for conservation reasons.

Forest operations may also need approval from local government, if required under the planning scheme and if the land is not a Private Timber Reserve or State forest. The council may impose additional conditions on the proposed operations.

Private Timber Reserves

Private Timber Reserves (PTRs) provide long-term security to private landowners wishing to grow or

harvest trees on their land. An FPP is mandatory on a PTR but additional local government approval is not required for forestry operations. Land declared as a PTR must satisfy the criteria outlined in the Forest Practices Act. For example, forestry must not be contrary to the public interest or local government zoning. The land must also be suitable for forestry. Local government and neighbouring landowners may object to the declaration of a PTR through the Forest Practices Tribunal.

The Forest Practices Tribunal

The Forest Practices Tribunal is an independent body established under the Forest Practices Act to hear appeals made against decisions of the FPA, including objections to PTR applications and appeals by landowners about constraints in FPPs. The Tribunal comprises a panel of experts in forestry, land management and conservation and is chaired by a legal practitioner.



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The Forest Practices Authority

The Forest Practices Authority has statutory responsibilities to monitor the operation of the Forest Practices Act and to report annually to Parliament. The FPA is administered by an independent board with expertise in governance, forestry, natural resource management, conservation and local government. The board includes the Chief Forest Practices Officer, who is responsible for the day to day administration of the system. The FPA has a staff of about 25 administrative, specialist and regulatory officers, who undertake research, monitoring and investigations and provide training and advice.

Key stakeholders are represented on the Forest Practices Advisory Council, which advises the FPA on the operation of the forest practices system.

Independent regulation

The staff of the FPA's Compliance Program annually monitor and assess a random sample of about 15 per cent of all FPPs on private and public land. The assessments record the standards being achieved and whether the operations comply with the Code and other prescriptions incorporated into the FPP. The performance of all sectors of the forest industry is assessed and the results are published in the FPA's annual report. Staff in this program also investigate alleged breaches of the Code and take appropriate enforcement action through the issue of notices to repair damage. The FPA can also impose fines or take legal action to ensure compliance with the Code.

Research and advice

The FPA employs specialists in botany, zoology, soil and water, geoscience, cultural heritage and

visual landscape. The specialists undertake research and monitoring in their subject areas – often in collaboration with experts from other organisations. Results are incorporated into the forest practices system through adaptive management.

The specialists play a key role in training and providing advice to FPOs, which often requires liaison with other professionals. They have developed a variety of management tools to assist FPOs to identify issues and to prescribe management for the natural and cultural values of forests when preparing FPPs.

The FPA charges an application fee for FPPs to contribute to the cost of providing advice, conducting research and developing planning tools. The fee varies according to the area, forest type and operation prescriptions involved in the plan (for further information refer to the Forest Practices Regulations 2007).

The Forest Practices Authority welcomes inquiries and feedback.

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Websites:

The Forest Practices Authority:
www.fpa.tas.gov.au
Legislation:
www.thelaw.tas.gov.au/index.w3p
Local Council planning schemes:
www.lgat.tas.gov.au/

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FPA

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Land clearing controls

The FPA is responsible for controlling land clearing on both public and private land in Tasmania. A certified FPP is required to authorise land clearing of either forest or threatened non-forest vegetation. Exemptions apply in some circumstances – details are in the Forest Practices Regulations on the FPA website.

The controls for forest vegetation apply to the clearing, removal or destruction of native trees or other woody plants, including any seedlings, that have the potential to grow to a height of 5 metres or more.

The FPA is also responsible for controlling clearing and conversion of threatened non-forest native vegetation. Clearing and conversion is defined as the deliberate removal of native vegetation and its permanent or long-term replacement with introduced vegetation or other material. Continuation of existing land management practices in non-forest communities is not regarded as clearing, providing that the essential character of the vegetation is maintained. There are currently no controls under the Forest Practices Act on clearing of non-forest vegetation that is not threatened or at risk.

Maintaining forest cover

The FPA implements the Permanent Native Forest Estate Policy, which was established through the Tasmanian Regional Forest Agreement (RFA) in 1997. It was most recently revised in December 2009 to ensure the maintenance of at least 95 per cent of the native forest estate that existed in 1996. Threatened forest communities are generally protected from clearing and conversion. The policy does not restrict the harvest of native forest types where the silvicultural system ensures successful regeneration and maintenance of that forest community.